



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,242	07/25/2001	Randy J. Locascio	002039.095725	6778

28221 7590 08/23/2004

GLEN E. BOOKS, ESQ.
LOWENSTEIN SANDLER PC
65 LIVINGSTON AVENUE
ROSELAND, NJ 07068

EXAMINER

KORNAKOV, MICHAIL

ART UNIT PAPER NUMBER

1746

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,242

Applicant(s)

LOCASCIO ET AL.

Examiner

Michael Kornakov

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 26-45 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 46 and 47 is/are allowed.
- 6) ☒ Claim(s) 1-4, 10, 11, 17 and 48 is/are rejected.
- 7) ☒ Claim(s) 5-9, 12-16 and 18-25 is/are objected to.
- 8) ☒ Claim(s) 1-45 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The introduction of new claims 46, 47 and 48 and amendments to claims 1, 5, 24 are noticed in Applicants Amendment, dated 05/28/2004. Claims 1-48 are pending, claims 26-45 are withdrawn from consideration as being drawn to a non-elected invention, claims 1-25, 46-48 are examined on the merits.
2. Applicants Amendment has overcome the rejection of claims 1-25 under 35 USC 112, second paragraph, the rejection of claims 1,2,11 under 35 USC 102 over Jackson, the 35 USC 103(a) rejections over Kurtz in combination with the other references, as presented in paragraphs 10,11,12,13, of the Office Action, dated 12/12/2003 and the rejections are withdrawn.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1,2,3,10,11,17,48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson (U.S. 3,567,342).

Jackson teaches a self contained mobile cleaning unit for high pressure spray cleaning of automobiles. The cleaning unit of Jackson includes van type motor vehicle or track with fully enclosed carrying portion (col.1, lines 29-32; paragraph, bridging col.2 and 3); water storage tank with a valve, contained within the track (col.3, lines 11, lines 32-38); pump units, located within the track and connected to the water storage tank (col. 3, line 13; Fig 2); a spray nozzle gun with the flexible hose (col.3, lines 14-15) (reads on "a vehicle wash structure" and "a flex hose", as instantly claimed), which is supplied with cleaning fluid by pump units and requires connecting to fluid outlet ("assembling", as instantly

Art Unit: 1746

claimed) for use as a vehicle wash outside the track, and is disconnected while not in use (col. 5, lines 54-56; col.4, lines 54); a remote control receptacle (col.5, lines 22-23). The cleaning unit of Jackson includes a power generator, which is used as an independent power source (col.3, lines 13-14; col. 5, lines 46-51).

The teaching of Jackson differs from the instant claim 1 by reciting self contained mobile cleaning unit, which includes a cab portion with driving compartment and a load carrying portion with vehicle wash equipment, identical to those instantly claimed, versus a trailer, towable by a motor vehicle, which represents two separate units, wherein one unit (a car) can be driven and is utilized for towing the other unit (a trailer) with vehicle wash equipment, as per claim 1. However, it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art, consult *In Re* Nerwin v. Erlichman, 168 USPQ 177, 179. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to connect a motor vehicle to trailer with vehicle wash equipment in order to tow the trailer by motor vehicle to vehicle wash area in lieu of mobile cleaning unit of Jackson in order to disconnect and utilize motor vehicle for different routine while the trailer is in use for vehicle wash in order to increase the efficiency of using the motor vehicle, thus providing more economical structure.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson (U.S. 3,567,342) in view of Powers (U.S. 5,936,531).

The teaching of Jackson remains silent about the use of a heat sensor for

Art Unit: 1746

interrupting the supply of electrical power. However, such sensors are commonly utilized for preventing hazardous situations inside the enclosed areas due to their overheating, as indicated, for example, by Powers.

Powers teaches that heat sensor is positioned in cabinet and detects the rise in temperature within cabinet. Heat sensor is preset to normal temperature conditions within cabinet. In operation, heat sensor detects the rise in the temperature within cabinet above the preset normal temperature conditions. In response to detecting the presence of rising temperature, heat sensor delivers a signal to a signal to breaker for cutting off main power supply (paragraph, bridging col.5 and 6).

Because Jackson provides an enclosed unit with variety of electrically driven equipment, which can overheat the enclosed area and Powers teaches the use of heat sensor in order to control such overheating, one skilled in the art, motivated by the teaching of Powers, would have found it obvious to utilize the heat sensor of Powers in order to prevent overheating and thus to eliminate the hazardous situation inside the enclosed unit of Jackson.

Allowable Subject Matter

6. Claims 5-9,12-16,18-25,48 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 46,47 are allowed over the prior art of record.

Art Unit: 1746

8. The following is a statement of reasons for the indication of allowable subject matter/ reasons for allowance: No other prior art that anticipates or suggests fairly the combination of structural limitations as recited in the instant claims 5-9,12-16,18-25, 46 and 47 has been located as of the date of this office action.

Response to Arguments

9. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection, which are addressed in paragraphs 4 and 5 of this Office Action.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

Art Unit: 1746

the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Kornakov whose telephone number is (571) 272-1303. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Kornakov
Primary Examiner
Art Unit 1746

08/19/2004